

REMARKS

Reconsideration of the present application is respectfully requested. Previously, the applicants amended the claims to indicate that the numerical value of the upper limit variable y from 2.0 to 0.3, which effectively modifies the proportional range of Antimony and Indium in the claimed recording films. Support for this action can be found in the description of the "Fourth Embodiment" that bridges pages 19-20 of the present specification, where it is shown that cross-erasing effects are minimized and eliminated where " y " is within the range of the amended claim.

Claims 1, 4, and 9 are rejected as unpatentable under 35 U.S.C. § 103(a), based on the combined teachings of Seo in view of Bechevet. The Examiner takes the position that the atomic concentration of the various elements in the recording medium recited in the present claims are taught by Seo and determined that the claimed range overlaps with Seo's range. The Examiner further relies on the dual layered recording medium taught by Bechevet to supply the structural elements of the claimed invention, and concludes that the person of skill would have a reasonable expectation of success because the two references use similar optical recording mediums.

It is the applicants' position that without regard to the correctness of the examiner's analysis, a person of skill in the art would not have predicted or expected a device that provides an improved cross erase function to derive from the combined teachings of Seo and Bechevet.

Bechevet in view of Seo at best teach that an Indium can be present in the composition over an extremely broad range (0.1 – 18%, taught by Seo), whereas the present application teaches an Indium concentration over a substantially narrower range of 0.2 - 2.3%. Thus it is

not understood how the examiner can cite Seo, with its recording mediums of purportedly improved C/N ratios against the present application and its improved cross erase functions. It would seem that only with the benefit of hindsight would the skill artisan even consider selecting Seo as a starting point for improving cross erase function. Furthermore, contrary to the examiner's statement at page 3, the persons of skill in the art would not be directed by Seo to select a Germanium content of 35.2 %. The examiner is reminded that earlier in the office action, the examiner had noted that Seo teaches a recording medium with germanium content of 39.2 – 42 %, which is entirely outside of the applicants' claimed range. Furthermore, Bechevet teaches an extremely broad ratio for recording layer thickness. Again, since neither Bechevet or Seo teach an improved cross erase function exhibited by the present invention, despite the seeming overlap of parameters of the references and the present invention (which the applicants have disproven in part), the prior art does not improve the cross erase function, which is the problem addressed by the present invention. The prior art references provide no motivation whatsoever to choose the specific claimed range of the components of the present invention, nor the specific thickness of the present invention. No teaching in Seo and Bechevet would lead a person to the solution and improved results attained by the present invention.

- Claims 1, 3, 4, 6, and 8-9 are rejected as unpatentable under 35 U.S.C. § 103(a), based on the combined teachings of Seo in view of Rie. The deficiencies of Seo, noted above, include its teaching of a vast range of Indium content allowed for in its recording mediums, and the examiner's acknowledgement that the Germanium content taught by Seo is outside the present claimed range. Further, the Seo reference is not directed to improving cross erase

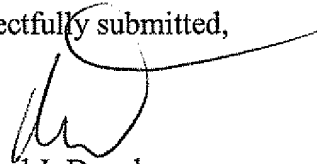
function with an optical recording medium composition. Rie neither addresses nor cures any of the above noted deficiencies of Seo.

Claims 1, 3, 4, 6, and 8-9 are rejected as unpatentable under 35 U.S.C. § 103(a), based on the combined teachings of Seo in view of Ripjers. The deficiencies of Seo, noted above, include its teaching of a vast range of Indium content allowed for in its recording mediums, and the examiner's acknowledgement that the Germanium content taught by Seo is outside the present claimed range. Further, the Seo reference is not directed to improving cross erase function with an optical recording medium composition. Ripjers neither addresses nor cures any of the above noted deficiencies of Seo.

Claims 4, and 8 are rejected as unpatentable under 35 U.S.C. § 103(a), based on the combined teachings of Seo in view of Ogawa. The deficiencies of Seo, noted above, include its teaching of a vast range of Indium content allowed for in its recording mediums, and the examiner's acknowledgement that the Germanium content taught by Seo is outside the present claimed range. Further, the Seo reference is not directed to improving cross erase function with an optical recording medium composition. Ogawa neither addresses nor cures any of the above noted deficiencies of Seo.

Wherefore, based upon the foregoing, it is submitted that the present application is in condition of allowance, and a relatively early reply would be greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard J. Danyko', with a long horizontal flourish extending to the right.

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